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December 10, 2024

VIA ECF

Hon. Ronnie Abrams, U.S.D.J.
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 1506
New York, New York 10007

**Re: Trustees of the Building Service 32BJ Health Fund, et al. v. Vanguard
General Services Corporation, et al.
Civil Action No. 24-cv-7753 (RA)**

Dear Judge Abrams:

Our firm is counsel for the respective Plaintiffs (the "Funds") in this matter. In lieu of a more formal submission, please accept this letter motion on behalf of the Funds for leave to file a First Amended Complaint in this matter, namely, to add Long Bay Services, Inc. as a Defendant. No previous requests to amend have been made. Second, the Funds ask that the Conference scheduled before Your Honor for **December 20, 2024, at 2:30 p.m.** be adjourned in light of the Funds' request to file an Amended Complaint, but also as no Defendant has appeared in this action. No adjournment requests have been made to date.

Under Rule 15(a), when a party cannot amend its pleading as a matter of course, "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." FRCP 15(a)(2). See also Heinz-Wright v. City of New York, 2016 U.S. Dist. LEXIS 73600, *3 "This permissive standard is consistent with our strong preference for resolving disputes on the merits." Williams v. Citigroup, Inc., 659 F.3d 208, 212-13 (2d Cir. 2011).

Here, the Complaint generally alleges *inter alia* that Defendants Vanguard General Services Corporation and Vanguard Parking Services, Inc. are alter egos of one another, and seeks damages against both, jointly and severally, and an order mandating that each comply with a Funds' audit.. Recently, the Funds learned of a third entity, Long Bay Services, Inc., that the Funds aver is a similarly situated alter ego of both Vanguard entities. Thus, the Funds seek to file an Amended Complaint to include this entity. The Funds note that Defendants have not appeared in

this action, and Clerk's Certificates of Default have been issued as to each. Thus, not only is there no prejudice apparent for Defendants, it appears this will actually benefit Defendants as each will need to be re-served and provided an opportunity to timely appear. Finally, resolution of all potential alter egos of Defendants should be resolved in one litigation.

Finally, the Funds ask that the Conference scheduled before Your Honor be adjourned. Defendants have not appeared in this action, and thus the parties cannot meet and confer on a Case Management Plan. Further, the Funds will, in the event the Court denies the Funds' above request, the Funds intend to shortly file a Motion for Default Judgment.

Thank you for your attention to this matter. If you have any questions or concerns, please do not hesitate to contact me.

Respectfully submitted,

/s/ Samuel R. Bloom
Samuel R. Bloom

Application granted. Under Federal Rule of Civil Procedure 15(a), a plaintiff may amend its complaint once as a matter of course no later than 21 days after serving it or 21 days after service of a responsive pleading. *See* Fed. R. Civ. P. 15(a). Because Defendants have not filed a responsive pleading, Plaintiffs may amend their complaint without leave of Court, including to add the new entity as a defendant.

The conference scheduled for December 20, 2024 is hereby adjourned *sine die*. No later than January 15, 2025, Plaintiffs shall submit a letter updating the Court on the status of the case, including but not limited to whether Plaintiffs intend to file a motion for default judgment.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', with a horizontal line underneath.

Hon. Ronnie Abrams
December 12, 2024